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503-588-6173*

DECISION OF THE SALEM PLANNING COMMISSION

SUBDIVISION / URBAN GROWTH AREA PRELIMINARY DECLARATION NO.:
SUB-UGA22-02

APPLICATION NO.: 21-123447-LD / 21-123446-LD

NOTICE OF DECISION DATE: April 21, 2022

SUMMARY: A ~~47~~ **48** lot subdivision and Urban Growth Area Preliminary Declaration.

REQUEST: A consolidated land use application for a subdivision tentative plan, for property being annexed (see Annexation Case No. ANXC-743), to divide 9.15 acres into ~~47~~ **48** single family lots and an Urban Growth Area Preliminary Declaration to determine the necessary public facilities required to serve the proposed development; lots range in size from approximately 4,000 to ~~9,500~~ **52,180** square feet in size.

The subject property is approximately 9 acres in size, is designated Developing Residential (DR) when annexed into the City in the Salem Area Comprehensive Plan and has a concurrent application of City of Salem RS (Single Family Residential) zoning. The property is currently zoned SR (Polk County Suburban Residential) and is located at 2490 Michigan City Lane NW - 97304 (Polk County Assessor Map and Tax Lot 073W08AB00200).

APPLICANT: Stacy Connery, Pacific Community Design on behalf of Pacific Northwest Land Company LLC (Mark Vukanovich)

LOCATION: 2490 Michigan City Lane NW, Salem OR 97304

CRITERIA: Salem Revised Code (SRC) Chapters 200.025(d) – Urban Growth Preliminary Declaration; 205.010(d) – Subdivision Tentative Plan

FINDINGS: The findings are in the attached Decision dated April 21, 2022.

DECISION: The **Planning Administrator APPROVED** Subdivision and Urban Growth Area Preliminary Declaration Case No. SUB-UGA22-02 subject to the following conditions of approval:

- Condition 1:** Secondary Fire Department Access is required to meet Salem Fire Code, or the applicant shall provide fire sprinklers for Lots 1-40, as determined by the Fire Marshal.
- Condition 2:** All Fire Department turnarounds shall meet Salem Fire Code.
- Condition 3:** The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
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NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

CITY OF Salem
AT YOUR SERVICE

1	West Property Line
14	East Property Line
31	South Property Line
32	North Property Line facing Tina Avenue
41	East Property Line
45	East Property Line

- Condition 4:** All flag lot accessways shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 5:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 6:** Prior to final plat, sidewalks and street trees consistent with SRC 803.035 shall be installed along the frontages of Lot 48 and the proposed Storm Water Facility.
- Condition 7:** All trees designated for retention under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 8:** The following site-specific tree protection measures are recommended for the 12 assessed trees to be retained:
- **Directional Felling:** Fell the trees to be removed away from the trees to be retained so they do not contact or otherwise damage the trunks or branches of the trees to be retained. No vehicles or heavy equipment should be permitted within the tree protection zones during tree removal operations.
 - **Tree Protection Fencing:** Place tree protection fencing in the locations shown in Attachment 1 of the report. The tree protection fencing will ensure no more than 30 percent of the assessed trees' root systems are impacted. It may be necessary to have surveyors locate the tree protection fencing with stakes, flagging, or other markings on site to ensure it is accurately placed. Any work within the tree protection zones shall occur under the onsite supervision of the project arborist.
 - **Lot 19 Building Footprint Location:** The building footprint on lot 19 will need to be designed so it is outside the tree protection zone of tree 10637.

- **Construction Access:** Construction foot traffic into the tree protection zone of tree 10637 is permitted if steel plates are placed on the ground or a 12-inch layer of woodchips is placed and maintained over geotextile fabric. The purpose of these measures is to reduce excessive soil compaction from repeated foot traffic. The project arborist shall be consulted to approve tree protection fence adjustments and compaction reduction methods prior to any encroachments into the tree protection zones.
- **Protect Crowns of Trees:** The crowns of the trees may extend beyond the tree protection fencing. Care will need to be taken to not contact or otherwise damage the crowns of the trees during construction or demolition work. If pruning is required, it shall be the minimum necessary to achieve the required clearance. No more than 20 percent of the live crowns should be removed in one growing season. All pruning shall be consistent with ANSI A300 pruning standards.
- **Sediment Fencing:** Sediment fencing shall be installed outside the protection zones of the trees to be retained to minimize root disturbances. If erosion control is required inside the protection zones, straw wattles shall be used on the soil surface.

- Condition 9:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- Condition 10:** Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 11:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Michigan City Lane NW.
- Condition 12:** Extend an 8-inch sewer main in Michigan City Lane NW to the western property boundary and southern property boundary pursuant to PWDS, as shown on the applicants utility plan.
- Condition 13:** Extend the 12-inch W-1 main east in Michigan City Lane NW along the frontage and from Michigan City Lane NW to the south property line.
- Condition 14:** Construct a half-street improvement along the frontage of Michigan City Lane NW to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 15:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Michigan City Lane NW, including sufficient right of-way to accommodate public infrastructure at the property corners.
- Condition 16:** Construct internal streets to Local Street standards.

Condition 17: Pay a Parks Temporary Access Fee of \$212,111 as a condition of final plat approval. The Temporary Access Fee shall be credited toward the Parks SDCs due at the time of building permit issuance, issued as a true credit of \$4,513 for each of the 47 new buildable lots within the development.

The rights granted by the attached decision must be exercised, or an extension granted, by May 10, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>March 4, 2022</u>
Notice of Decision Mailing Date:	<u>April 21, 2022</u>
Decision Effective Date:	<u>May 10, 2022</u>
State Mandate Date:	<u>July 2, 2022</u>

Case Manager: Olivia Dias, Current Planning Manager, ODias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Friday, May 6, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 200 and 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM
(SUBDIVISION PLAT NO. 22-02)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173
<http://www.cityofsaalem.net/planning>*

IN THE MATTER OF THE) FINDINGS AND ORDER
APPROVAL OF TENTATIVE SUBDIVISION AND)
URBAN GROWTH AREA PRELIMINARY)
DECLARATION CASE NO. 22-02)
2490 MICHIGAN CITY LANE NW) APRIL 21, 2022

REQUEST

Summary: A ~~47~~ **48** lot subdivision and Urban Growth Area Preliminary Declaration.

A consolidated land use application for a subdivision tentative plan, for property being annexed (see Annexation Case No. ANXC-743), to divide 9.15 acres into ~~47~~ **48** single family lots and an Urban Growth Area Preliminary Declaration to determine the necessary public facilities required to serve the proposed development; lots range in size from approximately 4,000 to ~~9,500~~ **52,180** square feet in size.

The subject property is approximately nine acres in size, is designated Developing Residential (DR) – when annexed into the City – in the Salem Area Comprehensive Plan and has a concurrent application of City of Salem RS (Single Family Residential) zoning. The property is currently zoned SR (Polk County Suburban Residential) and is located at 2490 Michigan City Lane NW - 97304 (Polk County Assessor Map and Tax Lot 073W08AB / 200).

PROCEDURAL FINDINGS

1. On December 27, 2021, a consolidated application for a Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration was filed for a proposal to divide an approximately nine acres located at 2490 Michigan City Lane NW (Attachment A) into 48 single family lots.
2. After receiving missing information from the applicant, the consolidated application was deemed complete for processing on March 4, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 4, 2022, and public notice was posted on the subject property on March 9, 2022 pursuant to SRC 300.520(b)(2).
3. The 120-day state-mandated local decision deadline for this consolidated application is July 2, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide approximately nine acres into 48 lots for residential development. The lots proposed for residential development range in size from approximately 4,000 square feet to approximately 52,180 square feet.

2. Existing Conditions

Site and Vicinity

The subject property (Attachment A) is 9.53 acres in size and will be zoned Single Family Residential (RS) upon completion of Annexation 2022-2 ANX, which was approved by City Council on March 28, 2022. The subject property abuts existing single-family residential subdivisions to the east (Bella Rosa Villa), and larger single-family properties to the south. Properties to the west, which are outside City limits zoned Suburban Residential Zone and to the north, across Michigan City Lane NW, zoned Timber Conservation Zone.

The subject property is sloped with the highest elevations occurring near the western property line at approximately 270 feet and falling to approximately 240 feet at the eastern end of the property.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located within the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North:	Across Michigan City Lane NW; Outside of the Urban Growth Boundary (Polk County Comprehensive Plan)
South:	Single Family Residential
East:	Developing Residential
West:	Developing Residential

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and currently contains a single-family dwelling near Michigan City Lane NW but is mostly vacant. The surrounding properties are zoned and used as follows:

North:	Across Michigan City Lane NW; Outside city limits, Polk County Timber Conservation Zone; vacant, agricultural use
South:	RS (Single Family Residential); single family dwellings
East:	RS (Single Family Residential); single family dwellings
West:	Outside city limits, Polk County Suburban Residential Zone; single family dwellings

Relationship to Urban Service Area

The subject property is located outside the City’s Urban Service Area. An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required public facilities.

Infrastructure

Water: The subject property is located in the W-1 and G-0 water service levels.

An 8-inch public water main is located in Tina Avenue NW.

A 12-inch public water main is located in Michigan City Lane NW, approximately 1,600 feet west of the subject property.

Sewer: An 8-inch sewer main is located in Darrin Street NW, approximately 130 feet east of the subject property.

An 8-inch sewer main is located in Michigan City Lane NW.

Storm Drainage: A 12-inch storm main is located in Michigan City Lane NW.

A 10-inch storm main is located in Tina Avenue NW.

Streets: Michigan City Lane NW abuts the property to the north and is designated as a Collector Street in the Salem TSP.

- The standard for this street classification is a 40-foot-wide improvement within a 60 foot-wide right-of-way.
- This street has an approximate 17-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Parks: The proposed development is not currently served by a park.

3. Applicant's Plans and Statement

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the tentative subdivision plan illustrating the proposed development on the property, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**

4. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online

Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 123447.

5. Land Use History

- **Annexation (Case No. ANXC-730):** A petitioner-initiated, voter-exempt annexation of approximately 9.53 acres of territory, for property generally located at 2490 Michigan City Lane NW.

6. Public and Private Agency Review

Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Fire Department – The Salem Fire Department has reviewed the proposal and indicated that the intersection of Lots 1, 32 and 41 creates over 30 dwelling units with one means of Fire Department Access.

Condition 1: Secondary Fire Department Access is required to meet Salem Fire Code, or the applicant shall provide fire sprinklers for Lots 1-40, as determined by the Fire Marshal.

Condition 2: All Fire Department turnarounds shall meet Salem Fire Code.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full as **Attachment C**.

Salem-Keizer Public Schools – Planning and Property Services staff for the Salem-Keizer School District reviewed the proposal and submitted comments included in full as **Attachment D**.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association (West Salem).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On December 7, 2022, the applicant contacted the West Salem Chair and Land Use Chair informing them of the proposed project.

Homeowners Association

The subject property is not located within a Homeowners Association.

Neighborhood Association and Public Comment: Notice of the application was provided to SGNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property, posted notice was also provided on each street frontage during the comment period pursuant to SRC 300.520(b)(2). No comments were submitted from West Salem Neighborhood Association. Testimony was submitted by three citizens during the public comment period, questions and concerns raised are summarized below followed by a response from staff.

- a) **Stormwater:** Comments submitted express concerns regarding the Water quality and Detention areas. Additionally, flooding on adjacent property and timing of construction of the required stormwater management facilities.

Staff Response: City engineers have reviewed the proposed stormwater system. The stormwater treatment and flow control facility is located within the subdivision. The conditions of approval specify that the stormwater facility will need to be constructed to meet City standards. Staff expects a reduction in the amount of runoff flowing through adjacent property, as rooftop and street drainages are collected into pipes and transported to the stormwater facility rather than flowing overland onto adjacent property.

- b) **Traffic and Access:** Comments submitted expressed concerns about the street stub to the southern property line, the ability of the existing street system to handle the traffic generated by the proposed development.

Staff Response: The City's Transportation System Plan provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). Each single-family residence pays over \$4,000 in Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth. Issues of speeding are not directly addressed by developers, but through law enforcement and other community measures.

- c) **Street Design:** Abutting property owners expressed concern for the "future street connection" that is shown on the applicant's tentative plan, stubbing to the southern property line.

Staff Response: The future street connection stub to the south serves multiple purposes and is ultimately required by the SRC (see SRC 803.035(a)) which requires new subdivisions to stub streets to adjacent properties, for a potential future connection. There are also street spacing requirements that require block lengths to not exceed 600 feet. The second purpose of this street stub is to provide dedicated public right of-way for a potential future 12-inch water main that is shown in the Water System Master Plan. The water main is required to extend from Michigan City Lane NW to the southern property boundary. It is possible that in the future the City may take on a project to extend the water main from the southern boundary of the subdivision to Rogers Lane

NW; however, this would require coordination with City staff and property owners. It is highly unlikely that the street will be extended through to Rogers Lane NW in the foreseeable future. Further, the street extension would most likely be triggered by private development interest and not by eminent domain.

8. Analysis of Tentative Subdivision Plan Approval Criteria:

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to approval of the final subdivision plat.

SRC 205.010(d) and 205.015(d) sets forth the criteria that must be met before approval can be granted for a phased subdivision tentative plan request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.010(d) and 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 510 (Residential Agriculture) and SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the approximately nine-acre property in a total of 48 lots and a lot dedicated for water quality. The subject property is currently zoned RA (Residential Agriculture). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. Because the zoning of the subject property will be changed to RS with the recording of the final plat for each respective phase, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The development standards of the RS zone are established under SRC 511.010 and are addressed as follows:

Lot Standards for RS zone (SRC Chapter 511, Table 511-2)

Requirement	Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single family and two family)	Min. 70 feet, max. 300% of av. lot width
Lot Depth (Double frontage lots)	Min. 120 feet, max. 300% of av. lot width
Street Frontage	40 feet, or 30 feet applicable to lots fronting a cul-de-sac or curved street. Not applicable to flag lots.

Proposed lots in the subdivision range from approximately 4,000 square feet to 52,180 acres in size.

The lots within the subdivision are of sufficient size and dimension to permit future development of uses allowed within the RS zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two or more streets, typically with street frontage on two sides. The following proposed lots are corner lots; due to the proposed lot configuration and dimensions, the front lot lines shall be designated as conditioned below. The lot

numbers indicated in the condition are based on the applicant’s tentative plan, actual lot numbers may vary at the time of final plat.

Condition 3: The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
1	West Property Line
14	East Property Line
31	South Property Line
32	North Property Line facing Tina Avenue
41	East Property Line
45	East Property Line

Provided that lot dimension standards are met, the front lot line for a corner lot shall be the property line abutting a street designated by the building permit applicant. Corner lots not identified in the table may be designated at the time of building permit by the applicant.

Proposed lots 18 and 19 are flag lots that take access from a flag lot accessway. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot. The front lot line for proposed Lot 18 can be designated at building permit as the northern property line or the western property line and Lot 19 shall be designated as the northern most property line or eastern property line (outside of the easement).

As proposed and conditioned, the phased subdivision tentative plan conforms to the requirements of SRC Chapter 800.

Flag Lots:

SRC 800.025 establishes the following development standards for flag lot accessways serving residentially zoned lots:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Lots Served by Accessway	3 to 4 Lots Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	20 ft. Min.	25 ft. Min.
Paved Width	15 ft. Min.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	

Proposed lots 18 and 19 are flag lots. As shown on the applicant's tentative subdivision plan, the flag lot accessway serving lots 18 and 19 is approximately 25 feet in width and 150 feet in length, in conformance with the standards for flag lot accessways serving 1-2 lots.

As indicated by the Fire Department, all Fire Department turnarounds shall meet Salem Fire Code.

In order to ensure each of the proposed flag lot accessways conform to the requirements of SRC 800.025(d), the following condition of approval shall apply:

Condition 4: All flag lot accessways shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. The proposed phased subdivision tentative plan includes two of the 47 lots (4.2 percent) proposed to be a flag lot, less than the 15 percent maximum.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative located of stormwater facilities.

As conditioned below, the proposal meets the requirements of SRC Chapter 71.

Condition 5: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. An Urban Growth

Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC Chapter 200 is found in Section 9 of this report.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available in the area surrounding the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment C).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal shows that each lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed 47-lot subdivision generates more than 1,000 average daily vehicle trips to the Collector Street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

Michigan City Lane NW abuts the subject property and does not meet the current standard for a Collector Street. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the entire frontage of Michigan City Lane NW.

During review of the applicant's tentative plan, City staff discovered that the right-of-way width of Michigan City Lane NW is ambiguous based on City records, and additional survey work is needed to resolve the discrepancy. Michigan City Lane NW is currently shown as 60 feet on the applicant's tentative plan; if it is determined that the right of way is less than 60 feet, the applicant shall be required to dedicate 30 feet from the centerline of Michigan City Lane NW.

Proposed internal local streets shall comply with applicable standards for local street right-of-way and pavement width as specified in SRC 803.025 and SRC 803.035.

SRC 803.030 (Street Spacing): The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

The applicant is proposing a block length within the subdivision which will not exceed the 600-foot standard.

SRC 803.035 (Street Standards): All public and private streets are subject to the street standards in this section.

Finding: Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. As proposed and conditioned the subdivision provides for adequate street connectivity in compliance with 803.035(a).

The tentative subdivision plat shows property line sidewalks for all proposed internal local streets, which is consistent with SRC 803.035(l). By City policy, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This policy allows for more flexibility in selection of driveway location during building design and prevents damage to the sidewalk during home construction. The sidewalk along the proposed Storm Water Facility and on Lot 48 will be constructed in conjunction with the initial street improvements. Since, Lot 48 and the proposed Storm Water Facility will not have single family dwelling construction, the following condition applies;

Condition 6: Prior to final plat, sidewalks and street trees consistent with SRC 803.035 shall be installed along the frontages of Lot 48 and the proposed Storm Water Facility.

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n). As conditioned below, this standard will be met.

SRC 803.040 (Boundary Streets): Michigan City Lane NW is boundary streets, running along the northern frontage of the subject property. Michigan City Lane NW does not meet the current standards for a Collector Street. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way and provide street improvements for Michigan City Lane NW where it abuts the property.

An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property fronts Michigan City Lane NW, which is improved to meet "linking street" standards from the intersection of Michigan City Lane NW and Wallace Road NW until the eastern property boundary. Along the frontage of the property, Michigan City Lane NW is underimproved. As a condition of development, a half-street improvement to Collector Street standards will be required.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 601 (Floodplain Overlay Zone): The Public Works Department has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP22-02) was submitted in conjunction with the subdivision tentative plan.

Tree preservation and removal in conjunction with proposed subdivisions is regulated under the City's tree preservation ordinance (SRC Chapter 808). The applicant submitted a revised tree plan and arborist report on February 2, 2022 (Attachment E). The report identifies 25 trees on site, but the map provided only show three of those trees within the existing right-of-way. Therefore, the subject property has 22 identified trees. As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed subdivision that identifies a total of 25 trees on the property, with two significant oaks.

Of the 22 total trees existing on the property when the application was submitted. The applicant's tree plan indicated that 13 trees (59%) will be removed from the property and identifies 12 trees (54.5%) for preservation.

Of the 13 trees proposed for removal, two are significant oaks which the applicant has identified for removal based on their location needing to be removed. One of the two significant trees being removed are to accommodate future development on Lot 18.

Condition 7: All trees designated for retention under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.

The proposed tree conservation plan, as conditioned, preserves 54.5 percent of the existing trees on the property, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though two of the three existing

significant oaks on the property are to be removed, their removal is necessary because of no reasonable design alternatives that would enable their preservation. The applicant has provided the following findings regarding the three significant trees which need to be removed.

Tree #10577 is located on Lot 18, within the building setback. In addition, the arborist report notes extensive leader failures, failure on the south side of the trunk with exposed decay and leader failure on the north side of the crown. Due to the location on the proposed lot and the health of the tree, there are no reasonable alternatives that would enable its preservation.

The applicant has proposed to preserve tree #10637 on Lot 19 and has provided an arborist report detailing how development can occur to ensure survival of the tree. Measures for the preservation of all trees on-site are also included. The following condition applies:

Condition 8: The following site-specific tree protection measures are recommended for the 12 assessed trees to be retained:

- **Directional Felling:** Fell the trees to be removed away from the trees to be retained so they do not contact or otherwise damage the trunks or branches of the trees to be retained. No vehicles or heavy equipment should be permitted within the tree protection zones during tree removal operations.
- **Tree Protection Fencing:** Place tree protection fencing in the locations shown in Attachment 1 of the report. The tree protection fencing will ensure no more than 30 percent of the assessed trees' root systems are impacted. It may be necessary to have surveyors locate the tree protection fencing with stakes, flagging, or other markings on site to ensure it is accurately placed. Any work within the tree protection zones shall occur under the onsite supervision of the project arborist.
- **Lot 19 Building Footprint Location:** The building footprint on lot 19 will need to be designed so it is outside the tree protection zone of tree 10637.
- **Construction Access:** Construction foot traffic into the tree protection zone of tree 10637 is permitted if steel plates are placed on the ground or a 12-inch layer of woodchips is placed and maintained over geotextile fabric. The purpose of these measures is to reduce excessive soil compaction from repeated foot traffic. The project arborist shall be consulted to approve tree protection fence adjustments and compaction reduction methods prior to any encroachments into the tree protection zones.
- **Protect Crowns of Trees:** The crowns of the trees may extend beyond the tree protection fencing. Care will need to be taken to not contact or otherwise damage the crowns of the trees during construction or demolition work. If pruning is required, it shall be the minimum necessary to achieve the required clearance. No more than 20

percent of the live crowns should be removed in one growing season. All pruning shall be consistent with ANSI A300 pruning standards.

- **Sediment Fencing:** Sediment fencing shall be installed outside the protection zones of the trees to be retained to minimize root disturbances. If erosion control is required inside the protection zones, straw wattles shall be used on the soil surface.

The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots. Lots dedicated to the City of Salem will not be subject to the tree conservation plan once the subdivision is recorded. Those trees will be subject to SRC 86 which has a robust process for preservation for city owned trees.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) shows that there are wetland areas or hydric soils mapped on the property.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed single-family residential subdivision adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report.

A Geological Assessment, prepared by GEO Consultants Northwest and dated May 14, 2021, was submitted to the City of Salem with the subdivision application. This assessment demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

Final Plat:

The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure

compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval unless the applicant enters into an improvement agreement.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition 9: All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.

Condition 10: Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

A 10-foot-wide public utility easement is required along the new and existing street frontages pursuant to SRC 803.035(n).

Condition 11: Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Michigan City Lane NW.

As detailed below, the proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located within Michigan City Lane along the frontage of the property. The applicant shall construct the Salem Wastewater Management Master Plan improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way.

Condition 12: Extend an 8-inch sewer main in Michigan City Lane NW to the western property boundary and southern property boundary pursuant to PWDS, as shown on the applicants utility plan.

The lot is split between the W-1 and G-0 water service levels. A 12-inch W-1 water main is located in Michigan City Lane NW, approximately 1,600 feet west of the subject property. There are 8-inch G-0 mains located in Tina Avenue NW and Michigan City Lane NW, abutting the subject property. The development is proposed to be served entirely by the W-1 water service level; as a condition of development, the applicant will be required to extend the W-1 water main in Michigan City Lane NW in the subject property and to the southern property boundary, as shown on the preliminary utility plan, and required by the Salem Water System Master Plan.

Condition 13: Extend the 12-inch W-1 main east in Michigan City Lane NW along the frontage and from Michigan City Lane NW to the south property line.

As conditioned above, the proposal meets this criterion.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: The proposed development connects to Michigan City Lane NW and Tina Ave NW to the east. Michigan City Lane NW is boundary streets, running along the northern frontage of the subject property. Michigan City Lane NW does not meet the current standards for a Collector Street. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way and provide street improvements for Michigan City Lane NW where it abuts the property.

An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property fronts Michigan City Lane NW, which is improved to meet “linking street” standards from the intersection of Michigan City Lane NW and Wallace Road NW until the eastern property boundary. Along the frontage of the property, Michigan City Lane NW is underimproved. As a condition of development, a half-street improvement to Collector Street standards will be required.

Condition 14: Construct a half-street improvement along the frontage of Michigan City Lane NW to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 15: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Michigan City Lane NW, including sufficient right of-way to accommodate public infrastructure at the property corners.

On the applicant’s tentative plan, internal streets are proposed to be constructed to Local Street standards.

Condition 16: Construct internal streets to Local Street standards.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Conditions above implement required improvements to the street system in and adjacent to the subject property. The proposed network of boundary and internal streets serving the subdivision provides for direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subject property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through and out of the subdivision.

The proposal meets this criterion.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The proposed development is not currently served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately 0.6-mile southwest of the subject property. The proposed development is not served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately .6 miles southwest of the subject property. The site is not suitable for development of an appropriately sized park. Staff recommends a Temporary Access Fee (TAF) be required in lieu of parks dedication. The Parks TAF is based on the existing Parks SDC due for single family homes, currently \$4,513 per unit, and is eligible for Parks SDC credit at the time of building permit issuance pursuant to SRC 41.160. As a requirement of the Urban Growth Preliminary Declaration below, the following condition applies:

Condition 17: Pay a Parks Temporary Access Fee of \$212,111 as a condition of final plat approval. The Temporary Access Fee shall be credited toward the Parks SDCs due at the time of building permit issuance, issued as a true credit of \$4,513 for each of the 47 new buildable lots within the development.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Finding: The Public Works Department has reviewed the proposal and finds that the 47-lot subdivision will generate less than 1,000 average daily vehicle trips to Michigan City Lane NW, designated in the Transportation System Plan as a Collector Street. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan.

The proposal meets this criterion.

SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The configuration of lots on the subject property makes logical use of developable land. As described in findings, the lot configuration proposed by the applicant meet applicable development standards minimizing the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: The tentative subdivision plan configures lots and streets to allow for residential development of the site while minimizing disruptions to topography. The City's tree preservation standards require that a minimum of 25 percent of existing trees with a diameter at breast height (dbh) of 10 inches or more be preserved. All of the trees on the subject property have been previously removed, there are no trees proposed for removal with this request. The proposal meets this criterion.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: Portions of the subject property are located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required. The conditions of the Preliminary Declaration are implemented within the subdivision. As conditioned, the tentative subdivision plan can be designed to accommodate required on-site and off-site improvements.

9. Analysis of Urban Growth Preliminary Declaration Approval Criteria

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities

A. *SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*

(1) The required facilities necessary to fully serve the development;

(2) The extent to which the required facilities are in place or fully committed.

B. *SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.*

Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Findings: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property fronts Michigan City Lane NW, which is improved to meet “linking street” standards from the intersection of Michigan City Lane NW and Wallace Road NW until the eastern property boundary. Along the frontage of the property, Michigan City Lane NW is underimproved. As a condition of development, a half-street improvement to Collector Street standards will be required, as conditioned below.

SRC 200.060—Standards for Sewer Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located within Michigan City Lane along the frontage of the property. The applicant shall construct the Salem Wastewater Management Master Plan improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. The requirement is conditioned above and will be met.

SRC 200.065—Standards for Storm Drainage Improvements

Findings: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Michigan City Lane along the frontage of the property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). The requirement is conditioned above and will be met.

SRC 200.070—Standards for Water Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

The lot is split between the W-1 and G-0 water service levels. A 12-inch W-1 water main is located in Michigan City Lane NW, approximately 1,600 feet west of the subject property. There are 8-inch G-0 mains located in Tina Avenue NW and Michigan City Lane NW, abutting the subject property. The development is proposed to be served entirely by the W-1 water service level; as a condition of development, the applicant will be required to

extend the W-1 water main in Michigan City Lane NW in the subject property and to the southern property boundary, as shown on the preliminary utility plan, and required by the Salem Water System Master Plan. As conditioned above, the requirement will be met.

SRC 200.075—Standards for Park Sites

Findings: The proposed development is not served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately .6 miles southwest of the subject property. The site is not suitable for development of an appropriately sized park. Staff recommends a Temporary Access Fee (TAF) be required in lieu of parks dedication. The Parks TAF is based on the existing Parks SDC due for single family homes, currently \$4,513 per unit, and is eligible for Parks SDC credit at the time of building permit issuance pursuant to SRC 41.160. The requirement is conditioned above and will be met.

11. Conclusion

Based upon review of SRC Chapters 205, and 200, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Phased Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration, Case No. SUB-UGA22 -02 is hereby **APPROVED** subject to SRC Chapters 205, and 200 the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Secondary Fire Department Access is required to meet Salem Fire Code, or the applicant shall provide fire sprinklers for Lots 1-40, as determined by the Fire Marshal.
- Condition 2:** All Fire Department turnarounds shall meet Salem Fire Code.
- Condition 3:** The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
1	West Property Line
14	East Property Line
31	South Property Line
32	North Property Line facing Tina Avenue
41	East Property Line
45	East Property Line

- Condition 4:** All flag lot accessways shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 5:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 6:** Prior to final plat, sidewalks and street trees consistent with SRC 803.035 shall be installed along the frontages of Lot 48 and the proposed Storm Water Facility.
- Condition 7:** All trees designated for retention under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 8:** The following site-specific tree protection measures are recommended for the 12 assessed trees to be retained:
- **Directional Felling:** Fell the trees to be removed away from the trees to be retained so they do not contact or otherwise damage the trunks or branches of the trees to be retained. No vehicles or heavy equipment should be permitted within the tree protection zones during tree removal operations.
 - **Tree Protection Fencing:** Place tree protection fencing in the locations shown in Attachment 1 of the report. The tree protection fencing will ensure no more than 30 percent of the assessed trees' root systems are impacted. It may be necessary to have surveyors locate the tree protection fencing with stakes, flagging, or other markings on site to ensure it is accurately placed. Any work within the tree protection zones shall occur under the onsite supervision of the project arborist.
 - **Lot 19 Building Footprint Location:** The building footprint on lot 19 will need to be designed so it is outside the tree protection zone of tree 10637.
 - **Construction Access:** Construction foot traffic into the tree protection zone of tree 10637 is permitted if steel plates are placed on the

ground or a 12-inch layer of woodchips is placed and maintained over geotextile fabric. The purpose of these measures is to reduce excessive soil compaction from repeated foot traffic. The project arborist shall be consulted to approve tree protection fence adjustments and compaction reduction methods prior to any encroachments into the tree protection zones.

- **Protect Crowns of Trees:** The crowns of the trees may extend beyond the tree protection fencing. Care will need to be taken to not contact or otherwise damage the crowns of the trees during construction or demolition work. If pruning is required, it shall be the minimum necessary to achieve the required clearance. No more than 20 percent of the live crowns should be removed in one growing season. All pruning shall be consistent with ANSI A300 pruning standards.
- **Sediment Fencing:** Sediment fencing shall be installed outside the protection zones of the trees to be retained to minimize root disturbances. If erosion control is required inside the protection zones, straw wattles shall be used on the soil surface.

- Condition 9:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- Condition 10:** Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 11:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Michigan City Lane NW.
- Condition 12:** Extend an 8-inch sewer main in Michigan City Lane NW to the western property boundary and southern property boundary pursuant to PWDS, as shown on the applicants utility plan.
- Condition 13:** Extend the 12-inch W-1 main east in Michigan City Lane NW along the frontage and from Michigan City Lane NW to the south property line.
- Condition 14:** Construct a half-street improvement along the frontage of Michigan City Lane NW to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 15:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Michigan City Lane NW, including sufficient right of-way to accommodate public infrastructure at the property corners.

Condition 16: Construct internal streets to Local Street standards.

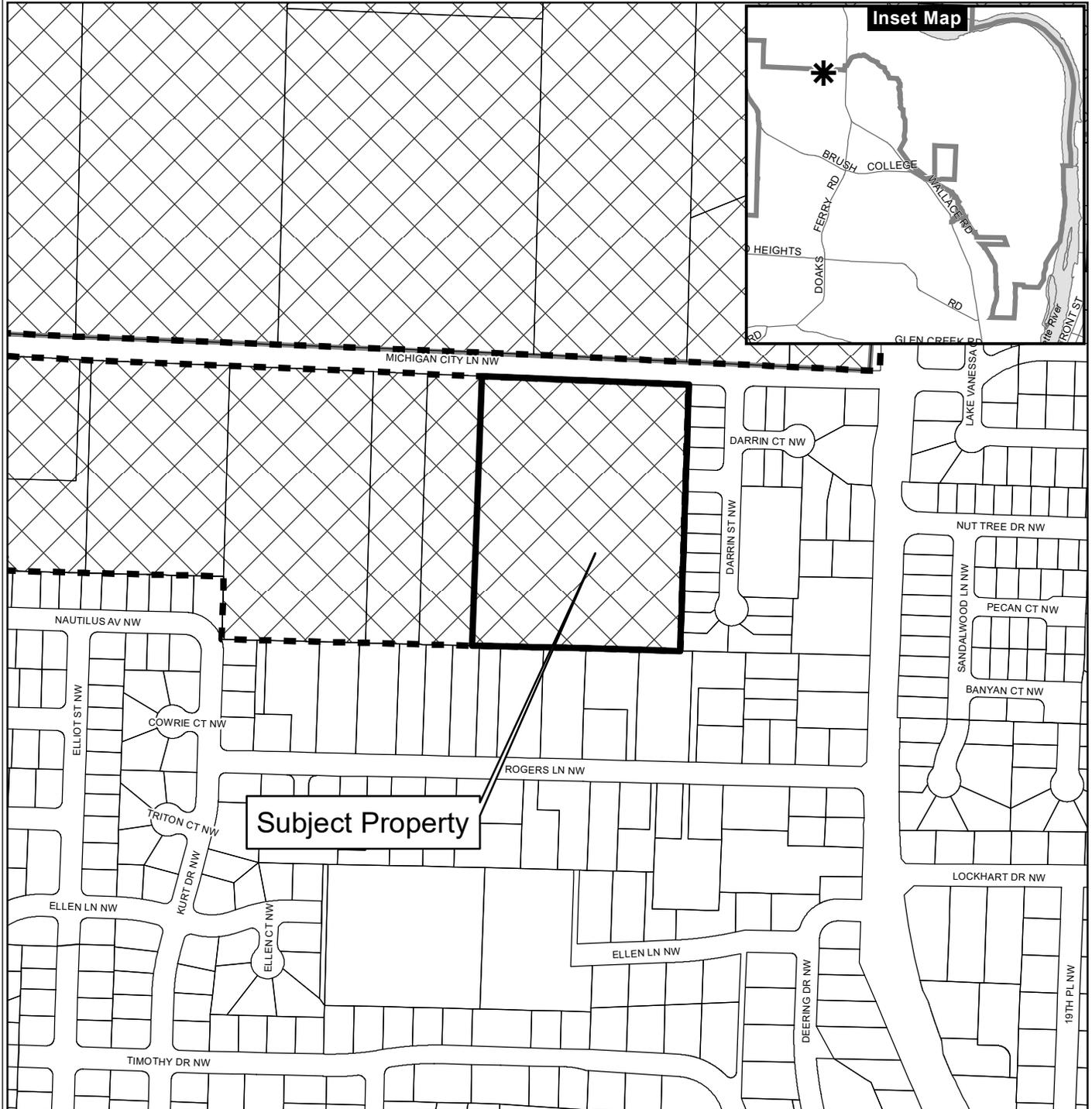
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Olivia Dias, Current Planning Manager, on
behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Tentative Subdivision Plan
 - C. City of Salem Public Works Department Memo
 - D. Salem-Keizer Public Schools Comments
 - E. Arborist Report and Tree Plan

Vicinity Map 2490 MICHIGAN CITY LANE NW



Legend

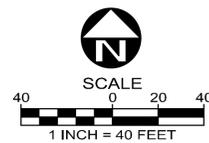
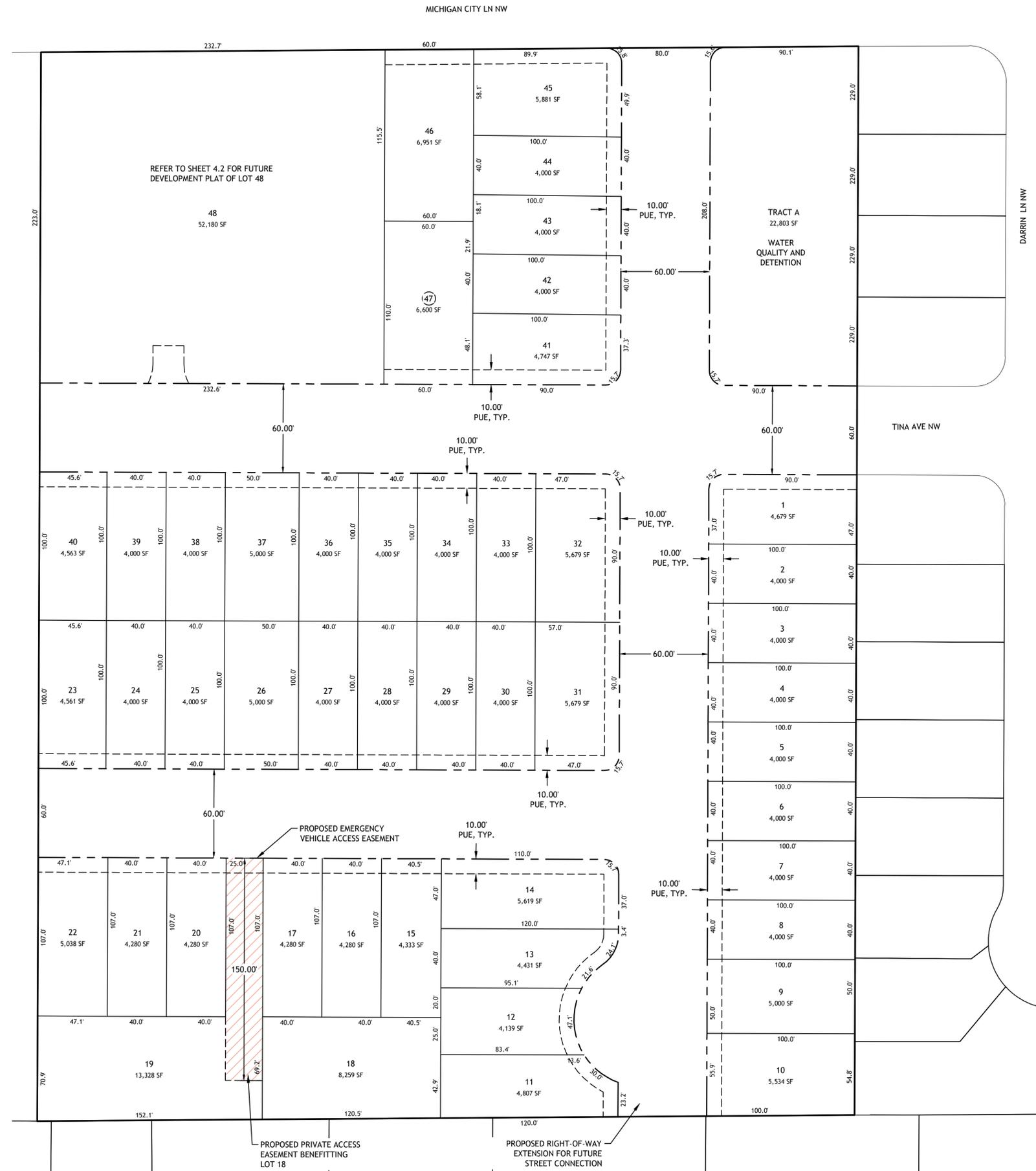
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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DATE: 2/1/2022

REVISIONS		
NO.	DATE	DESCRIPTION



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TENTATIVE
 SUBDIVISION

MISTY
 MEADOWS

PRELIMINARY
 SUBDIVISION
 PLAT

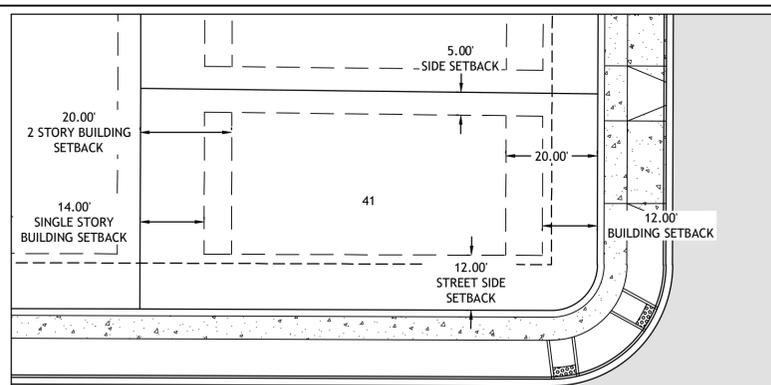
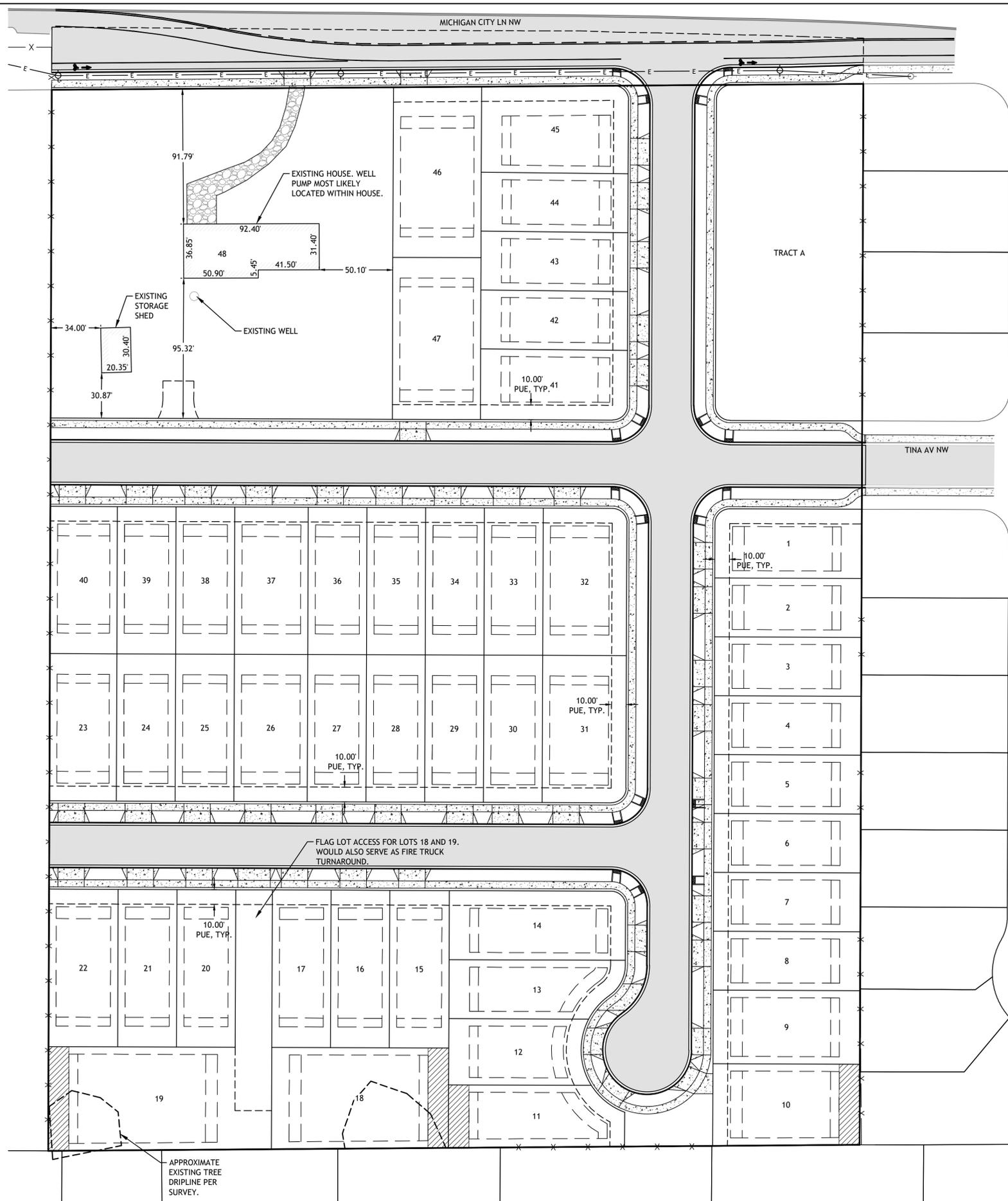
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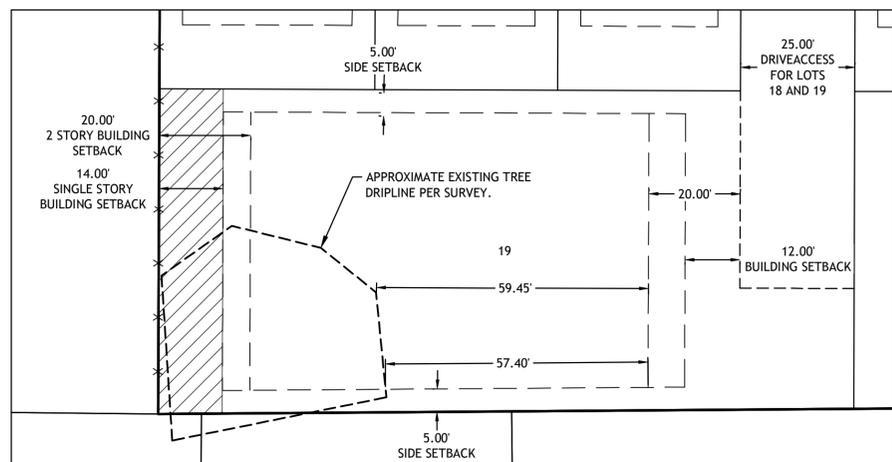
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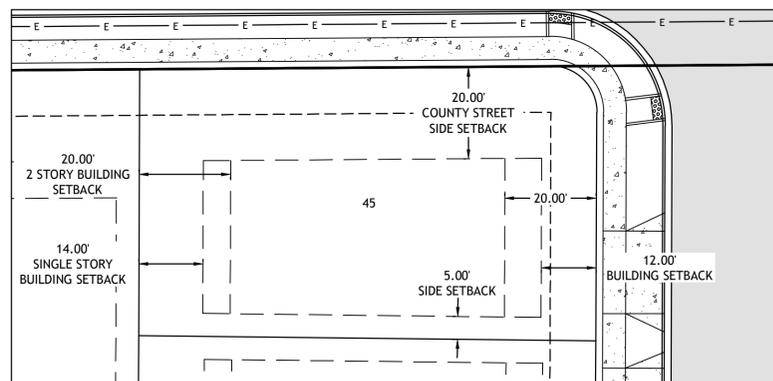
PRELIMINARY
SITE
PLAN



LOT SETBACK DETAIL



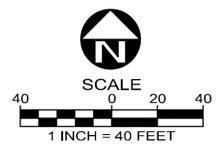
LOT 19 EXISTING TREE IMPACT DETAIL



COUNTY ROAD LOT SETBACK DETAIL

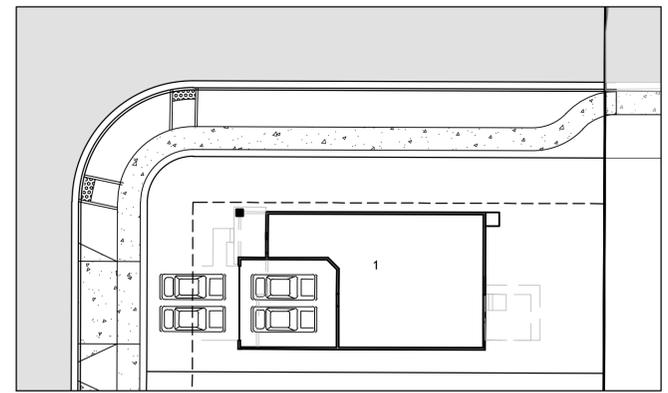
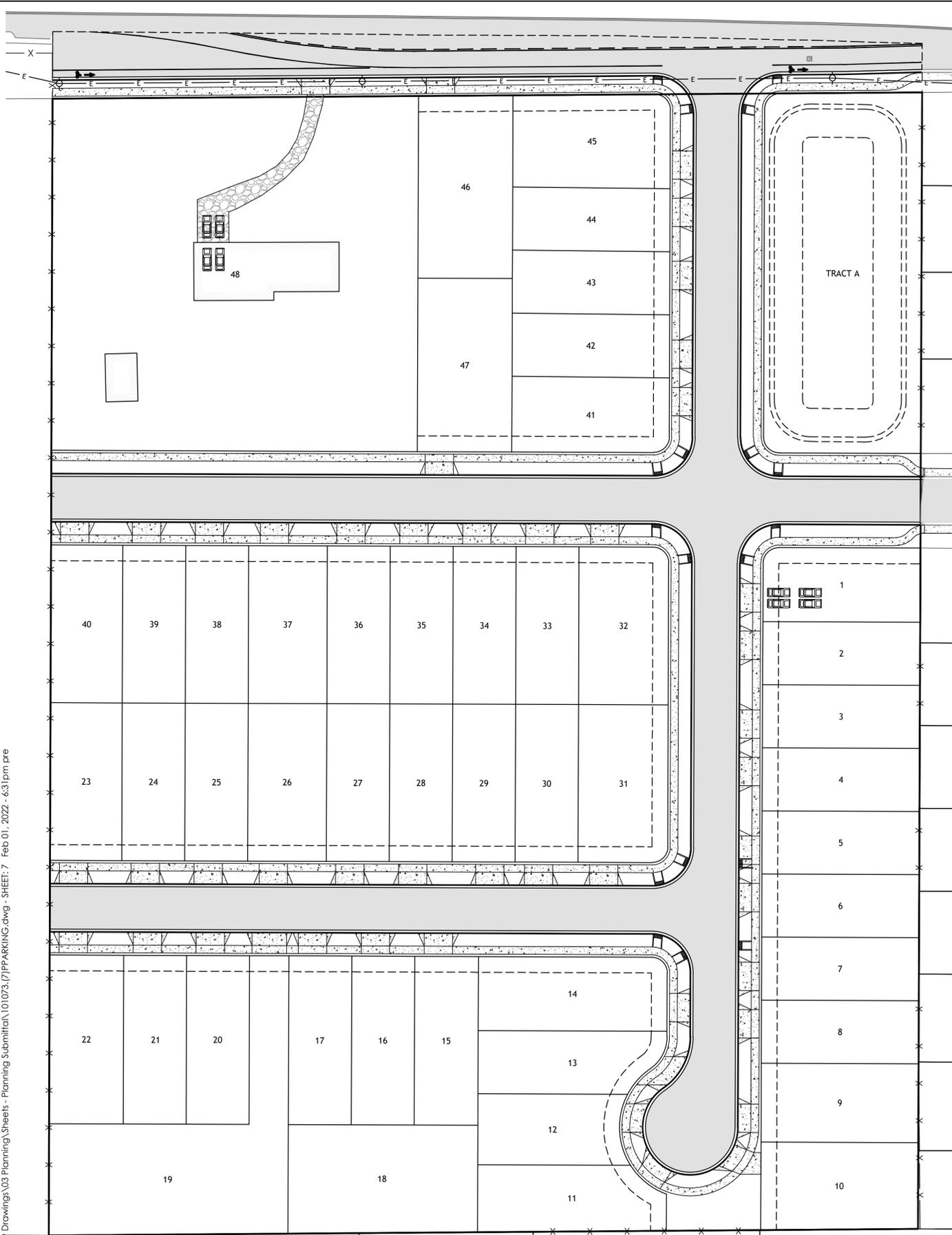
LEGEND

- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- PROPOSED CURB AND GUTTER
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- - - PROPOSED PUBLIC UTILITY EASEMENT
- - - PROPOSED BUILDING SETBACK
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING BOUNDARY LINE
- ▲ VISION CLEARANCE TRIANGLE
- ▭ PROPOSED HANDICAP RAMP
- ▨ PROPOSED A.C. PAVING
- ▩ PROPOSED SIDEWALK
- ▧ PROPOSED REAR YARD
- ▦ EXISTING SIDEWALK
- ✕ PROPOSED STREET LIGHT
- E — PROPOSED OVERHEAD POWER



N:\proj\101-073\09 Drawings\03 Planning\Sheets - Planning\Submittal\101073_06\PSITE.dwg - SHEET: 6 Feb 01, 2022 - 6:29pm pie

N:\proj\101-073\03 Drawings\03 Planning\Sheets - Planning\Submittal\101-073-PPARKING.dwg - SHEET: 7 Feb 01, 2022 - 6:31pm pre



LOT PARKING DETAIL

LEGEND:

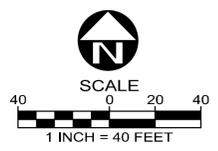
CAR IN DRIVEWAY/GARAGE

8.5
20.00' **REQUIRED**

8.5
20.00' **PROVIDED**

OFF STREET PARKING

- REQUIRED**
- DETACHED SINGLE FAMILY:
48 UNITS AT 2 SPACE/UNIT = 96 SPACES
- PROVIDED**
- DETACHED SINGLE FAMILY:
(FRONT LOAD)
48 UNITS W/ 2 CAR GARAGE + 2 DRIVEWAY SPACES = 192 SPACES



DATE: 2/1/2022

REVISIONS

NO.	DATE	DESCRIPTION

**TENTATIVE
SUBDIVISION**

**MISTY
MEADOWS**

**PRELIMINARY
PARKING
PLAN**

PROJECT NO.: 101-073A
TYPE: PRELIMINARY
REVIEWED BY: PRE



MEMO

TO: Kyle Kearns, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: April 18, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-UGA22-02 (21-123446; 21-123447)
2490 MICHIGAN CITY LANE NW
47-LOT SUBDIVISION AND UGA**

A handwritten signature in blue ink, appearing to read "Glenn J. Davis", is positioned to the right of the "FROM:" field.

PROPOSAL

A consolidated land use application for a subdivision tentative plan, for property being annexed (see Annexation Case No. ANXC-743), to divide 9.15 acres into 47 single-family lots, and an Urban Growth Area Preliminary Declaration to determine the necessary public facilities required to serve the proposed development; lots range in size from approximately 4,000 to 9,500 square feet in size.

The subject property is approximately 9 acres in size, is designated Developing Residential (DR) when annexed into the City in the *Salem Area Comprehensive Plan* and has a concurrent application of City of Salem RS (Single Family Residential) zoning. The property is currently zoned SR (Polk County Suburban Residential) and is located at 2490 Michigan City Lane NW - 97304 (Polk County Assessor Map and Tax Lot 073W08AB00200).

RECOMMENDED CONDITIONS OF APPROVAL

1. Construct a half-street improvement along the frontage of Michigan City Lane NW to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
2. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Michigan City Lane NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
3. Construct internal streets to Local street standards.
4. Extend an 8-inch sewer main in Michigan City Lane NW to the western property boundary and southern property boundary pursuant to PWDS, as shown on the applicant's utility plan.

5. Extend the 12-inch W-1 main east in Michigan City Lane NW along the frontage and from Michigan City Lane NW to the south property line.
6. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
7. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
8. All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
9. Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Michigan City Lane NW.
10. Pay a Parks Temporary Access Fee of \$212,111 as a condition of final plat approval. The Temporary Access Fee shall be credited toward the Parks SDCs due at the time of building permit issuance, issued as a true credit of \$4,513 for each of the 47 new buildable lots within the development.

FACTS AND FINDINGS

Streets

1. Michigan City Lane NW
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 17-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 12-inch storm main is located in Michigan City Lane NW.
 - b. A 10-inch storm main is located in Tina Avenue NW.

Water

1. Existing Conditions

- a. The subject property is located in the W-1 and G-0 water service levels.
- b. An 8-inch public water main is located in Tina Avenue NW.
- c. A 12-inch public water main is located in Michigan City Lane NW, approximately 1,600 feet west of the subject property.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Darrin Street NW, approximately 130 feet east of the subject property.
- b. An 8-inch sewer main is located in Michigan City Lane NW.

Parks

The proposed development is not served by a park.

URBAN GROWTH PRELIMINARY DECLARATION FINDINGS

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Findings—An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets or a minimum 34-foot improvement for Major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property fronts Michigan City Lane NW, which is improved to meet “linking street” standards from the intersection of Michigan City Lane NW and Wallace Road NW until the eastern property boundary. Along the frontage of the property, Michigan City Lane NW is underimproved. As a condition of development, a half-street improvement to Collector standards will be required, as discuss below.

SRC 200.060—Standards for Sewer Improvements

Findings—The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located within Michigan City Lane along the frontage of the property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels; discussed further below.

SRC 200.065—Standards for Storm Drainage Improvements

Findings—The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Michigan City Lane NW along the frontage of the property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

SRC 200.070—Standards for Water Improvements

Findings—The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards; discussed further below

SRC 200.075—Standards for Park Sites

Findings—The proposed development is not served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately .6 miles southwest of the subject property. The site is not suitable for development of an appropriately sized park. Staff recommends a Temporary Access Fee (TAF) be required in lieu of parks dedication; discussed further below.

SUBDIVISION CRITERIA AND FINDINGS

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

1. **Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
2. **City infrastructure standards; and**
3. **Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along the street frontage of Michigan City Lane NW and internal streets pursuant to SRC 803.035(n).

Condition: Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Michigan City Lane NW.

The Salem-Keizer Local Wetland Inventory shows there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by GEO Consultants Northwest and dated May 14, 2021, was submitted to the City of Salem with the subdivision application. This assessment demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

SRC 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). Additionally, as a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels.

Condition: Extend an 8-inch sewer main in Michigan City Lane NW to the western property boundary pursuant to PWDS.

The lot is split between the W-1 and G-0 water service levels. A 12-inch W-1 water main is located in Michigan City Lane NW, approximately 1,600 feet west of the subject property. There are 8-inch G-0 mains located in Tina Avenue NW and Michigan City Lane NW, abutting the subject property. The development is proposed to be served entirely by the W-1 water service level; as a condition of development, the applicant will be required to extend the W-1 water main in Michigan City Lane NW in the subject property and to the southern property boundary, as shown on the preliminary utility plan, and required by the *Salem Water System Master Plan and SRC 200.070*.

Condition: Extend the 12-inch W-1 main east in Michigan City Lane NW along the frontage and from Michigan City Lane NW to the south property line.

Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition: Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Findings—Streets within the subdivision are proposed to be constructed to Local street standards. Michigan City Lane NW abuts the subject property and does not meet the current standard for a Collector Street. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the entire frontage of Michigan City Lane NW.

During review of the applicant's tentative plan, City staff discovered that the right-of-way width of Michigan City Lane NW is ambiguous based on City records, and additional survey work is needed to resolve the discrepancy. Michigan City Lane NW is currently shown as 60 feet on the applicant's tentative plan; if it is determined that the right-of-way is less than 60 feet, the applicant shall be required to dedicate 30 feet from the centerline of Michigan City Lane NW.

The tentative subdivision plat shows property line sidewalks for all proposed internal local streets, which is consistent with SRC 803.035(I). By City policy, sidewalks along the frontage of lots platted for single-family residential development are installed at the time of home construction. This policy allows for more flexibility in selection of driveway location during building design and prevents damage to the sidewalk during home construction. The sidewalk along the proposed Storm Water Facility and on Lot 48 will be constructed in conjunction with the initial street improvements.

Condition: Construct a half-street improvement along the frontage of Michigan City Lane NW to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Michigan City Lane NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition: Construct internal streets to Local street standards.

SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The subject property is not served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately .6 miles southwest of the subject property. Temporary Access Fee (TAF) is recommended in lieu of parks construction. The Parks TAF is based on the existing Parks SDC due for single family homes, currently \$4,513 per unit, and is eligible for Parks SDC credit at the time of building permit issuance pursuant to SRC 41.160.

Condition: Pay a Parks Temporary Access Fee of \$212,111 as a condition of final plat approval. The temporary access fee shall be credited toward the Parks SDCs due at the time of building permit issuance, issued as a true credit of \$4,513 for each of the 47 new buildable lots within the development.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The proposed 47-lot subdivision generates less than 1000 average daily vehicle trips to the Collector street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

SRC 205.010(d)(10)— When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Findings—The subject property is located outside of the Urban Service Area and, therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements.

Response to Comments

- 1. Stormwater and Drainage:** Comments received expressed concerns for flooding and overland flow of water onto adjacent properties.

Response: As discussed above, the applicant is required to design and construct a Water Quality and Detention Basin. Rather than infiltrating directly into the ground and into underground springs, the stormwater from the subdivision will be diverted into a basin on the tract (shown as Tract A on the proposed tentative plan) in order to remove pollutants and reduce the flow during major storm events. Neighboring property owners should expect to see a reduction in the amount of runoff flowing through adjacent property, especially after construction of the detention basin, as rooftop and street drainage is collected into pipes and transported to the stormwater facility rather than flowing overland onto neighboring property.

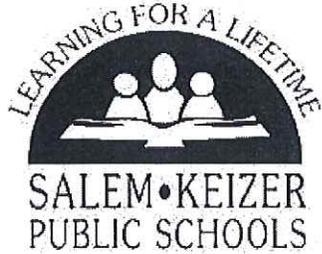
- 2. Traffic:** Comments received expressed concerns for additional traffic on adjacent streets and the walkability of the neighborhood.

Response: The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). Each single-family residence pays over \$4,000 in Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth. Issues of speeding are not directly addressed by developers, but through law enforcement and other community measures.

- 3. Street Design:** Abutting property owners expressed concern for the “future street connection” that is shown on the applicant’s tentative plan, stubbing to the southern property line.

Response: The future street connection stub to the south serves multiple purposes and is ultimately required by the SRC (see SRC 803.035(a)) that requires new subdivisions to stub streets to adjacent properties, for a **potential** future connection. There are also street spacing requirements that require block-lengths to not exceed 600 feet. The second purpose of this street stub is to provide dedicated public right-of-way for a potential future 12-inch water main that is shown in the Water System Master Plan. The water main is required to extend from Michigan City Lane NW to the southern property boundary. It is possible that in the future the City may take on a project to extend the water main from the southern boundary of the subdivision to Rogers Lane NW; however, this would require coordination with City staff and property owners. It is highly unlikely that the street will be extended through to Rogers Lane NW in the foreseeable future. Further, the street extension would most likely be triggered by private development interest and not by eminent domain.

Prepared by: Laurel Christian, Program Coordinator
cc: File



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

March 17, 2022

Kyle Kearns, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. SUB-UGA22-02, 2490 Michigan City Ln NW

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Brush College	Elementary	K thru 5
Straub	Middle	6 thru 8
West Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District’s adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Brush College	Elementary	291	453	64%
Straub	Middle	565	956	59%
West Salem	High	1,698	1,749	97%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	48	SF	0.168	8
Middle			0.098	5
High			0.144	7

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Brush College	Elem.	291	0	8	8	453	66%
Straub	Mid.	565	44	5	49	956	64%
West Salem	High	1,698	66	7	73	1,749	101%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Brush College	Elementary	Eligible for School Transportation
Straub	Middle	Eligible for School Transportation
West Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	8	\$64,220	\$513,760
Middle	5	\$76,882	\$384,410
High	7	\$89,544	\$626,808
TOTAL			\$1,524,978

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 Fourth Quarter.

Sincerely,

David Fridenmaker, Manager
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation

**MEMORANDUM****DATE:** February 2, 2022**TO:** Mark W. Vukanovich (Pacific Northwest Land Company)**FROM:** Todd Prager, RCA #597, ISA Board Certified Master Arborist**RE:** Misty Meadows Tree Plan

Summary

This report is a summary of the tree plan for the proposed Misty Meadows Subdivision in Salem.

Background

Pacific Northwest Land Company is developing the proposed Misty Meadows subdivision at Michigan City Lane NW in Salem, Oregon. The site consists primarily of remnant orchard trees with two large Oregon white oaks (*Quercus garryana*) along the south property line.

On May 7, 2021 I visited the site to assess the two Oregon white oaks along the south property line and one large English walnut (*Juglans regia*) in the right of way at the northwest corner of the site. I documented the conditions of the trees in my May 7, 2021 report.

My current assignment for this project was to assess the remaining surveyed trees on the site plan in Attachment 1, document their preservation and removal, and evaluate their proposed protection.

Tree Assessment

On January 28, 2022, I inventoried and assessed the surveyed trees shown on the site plan in Attachment 1. A spreadsheet with the tree assessment data is provided in Attachment 2. The inventory spreadsheet lists the tree number, species (common and scientific names), trunk diameter (DBH), crown radius, tree health condition, tree structural condition, pertinent comments, and treatment (remove or retain). The tree numbers in the inventory in Attachment 2 correspond to the tree numbers on the proposed subdivision plan in Attachment 1.

Tree Removal and Retention

The trees to be removed and retained are shown on the proposed site plan in Attachment 1 and the tree inventory spreadsheet in Attachment 2.

Thirteen (13) of the assessed trees are proposed for removal for right of way improvements, road construction, and for construction on individual lots. The remaining 12 assessed trees will be retained, with 11 trees to be retained on lot 48 and one of the large Oregon white oaks to be retained on lot 19.

Protection recommendations for the trees to be retained are provided in the next section of this report.

Tree Protection Recommendations

The following site specific tree protection measures are recommended for the 12 assessed trees to be retained:

- ***Directional Felling:*** Fell the trees to be removed away from the trees to be retained so they do not contact or otherwise damage the trunks or branches of the trees to be retained. No vehicles or heavy equipment should be permitted within the tree protection zones during tree removal operations.
- ***Tree Protection Fencing:*** Place tree protection fencing in the locations shown in Attachment 1. The tree protection fencing will ensure no more than 30 percent of the assessed trees' root systems are impacted. It may be necessary to have surveyors locate the tree protection fencing with stakes, flagging, or other markings on site to ensure it is accurately placed. Any work within the tree protection zones shall occur under the onsite supervision of the project arborist.
- ***Lot 19 Building Footprint Location:*** The building footprint on lot 19 will need to be designed so it is outside the tree protection zone of tree 10637.
- ***Construction Access:*** Construction foot traffic into the tree protection zone of tree 10637 is permitted if steel plates are placed on the ground or a 12-inch layer of woodchips is placed and maintained over geotextile fabric. The purpose of these measures is to reduce excessive soil compaction from repeated foot traffic. The project arborist shall be consulted to approve tree protection fence adjustments and compaction reduction methods prior to any encroachments into the tree protection zones.
- ***Protect Crowns of Trees:*** The crowns of the trees may extend beyond the tree protection fencing. Care will need to be taken to not contact or otherwise damage the crowns of the trees during construction or demolition work. If pruning is required, it shall be the minimum necessary to achieve the required clearance. No more than 20 percent of the live crowns should be removed in one growing season. All pruning shall be consistent with ANSI A300 pruning standards.
- ***Sediment Fencing:*** Sediment fencing shall be installed outside the protection zones of the trees to be retained to minimize root disturbances. If erosion control is required inside the protection zones, straw wattles shall be used on the soil surface.

Additional tree protection recommendations are provided in Attachment 3.

Conclusion

Thirteen (13) of the assessed trees are proposed for removal for right of way improvements, road construction, and for construction on individual lots. The remaining 12 assessed trees to be retained will be protected during construction by adhering to the recommendations in this report. Any change to the tree protection plan should be completed by the project arborist to ensure the trees to be retained are properly protected.

Please contact me if you have questions, concerns, or need any additional information.

Sincerely,



Todd Prager

*ASCA Registered Consulting Arborist #597
ISA Board Certified Master Arborist, WE-6723B
ISA Qualified Tree Risk Assessor
AICP, American Planning Association*

Enclosures: Attachment 1 – Site Plan with Tree Removal and Protection
Attachment 2 – Tree Inventory
Attachment 3 – Tree Protection Recommendations
Attachment 4 – Assumptions and Limiting Conditions



12564 SW Main Street
Tigard, OR 97223
[T] 503-941-9484

DATE: 1/25/22

REVISIONS		
NO.	DATE	DESCRIPTION

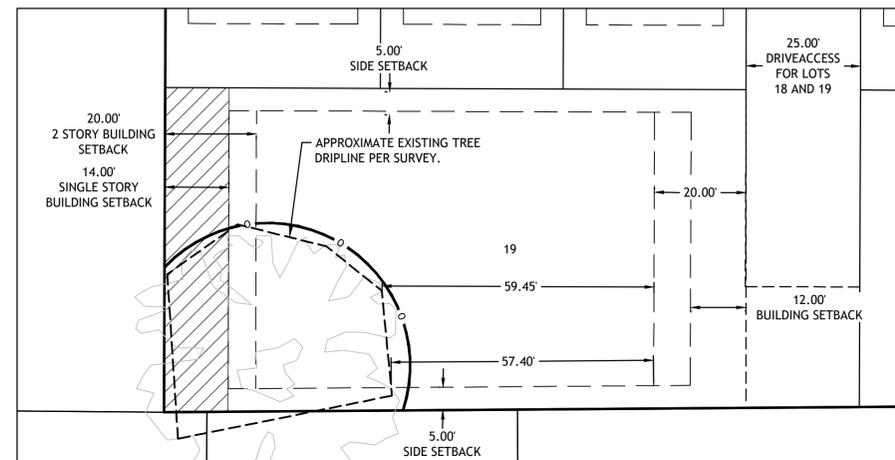
Attachment 1

TENTATIVE
SUBDIVISION

MISTY
MEADOWS

PRELIMINARY
TREE
PLAN

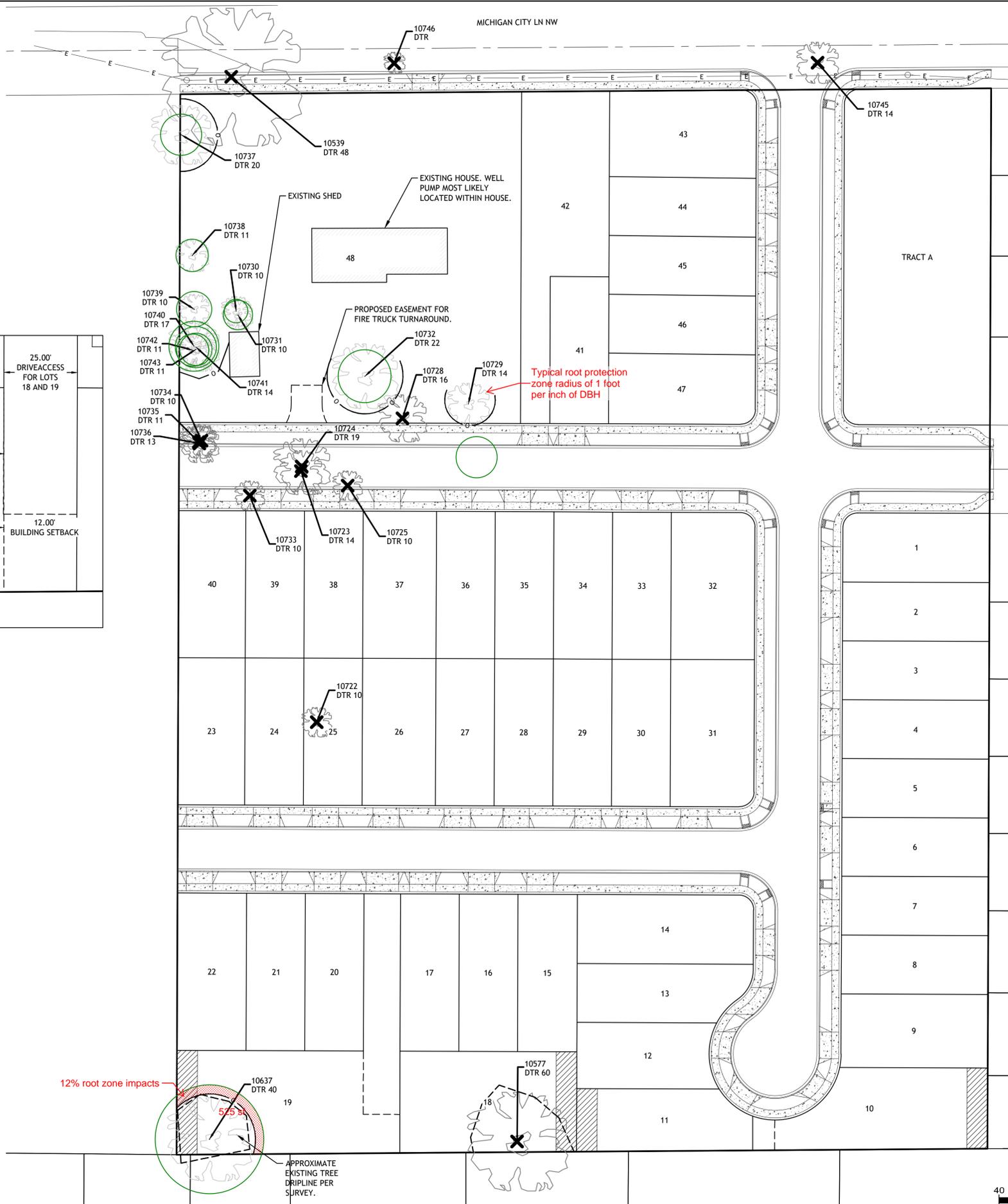
PROJECT NO.: 101-073A
TYPE: PRELIMINARY
REVIEWED BY: PRE



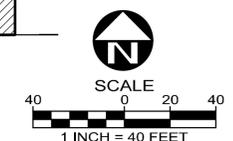
LOT 19 EXISTING TREE IMPACT DETAIL

LEGEND

- DECIDUOUS
- CONIFEROUS
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED WITH ROOT PROTECTION ZONE CIRCLE. TREES CLASSIFIED AS SIGNIFICANT ARE SHOWN WITH RED ROOT PROTECTION ZONE CIRCLES. SEE TREE INVENTORY FOR ADDITIONAL INFORMATION
- TREE PROTECTION FENCING PER DTL 1, SHEET 13.1
- TREE NUMBER



Typical root protection zone radius of 1 foot per inch of DBH



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Attachment 2

Tree No.	Common Name	Scientific Name	DBH ¹	C-Rad ²	Condition ³	Structure	Comments	Treatment
10539	English walnut	<i>Juglans regia</i>	43	36	good	fair	multiple leaders at lower crown, interior dead scaffold branches up to 10" diameter, side pruned for overhead power	remove
10577	Oregon white oak	<i>Quercus garryana</i>	54	34	fair	poor	extensive leader failures, large failure at south side of trunk at 5' exposed decay from root crown to 6' above ground, remaining leader at south side of crown at probable risk of failure in the near term, failed leaders in north side of crown up to 10" diameter	remove
10637	Oregon white oak	<i>Quercus garryana</i>	37	36	good	fair	multiple leaders at 20', multiple overextended leaders, recent broken branches up to 6" diameter	retain
10722	Oregon white oak	<i>Quercus garryana</i>	11	13	good	fair	codominant at 12'	remove
10723	English walnut	<i>Juglans regia</i>	12	20	poor	poor	dieback, past branch failures, 10723 and 10724 are connected	remove
10724	English walnut	<i>Juglans regia</i>	15	20	poor	poor	dieback, past branch failures, 10723 and 10724 are connected	remove
10725	sweet cherry	<i>Prunus avium</i>	9,7	10	good	fair	codominant at 1'	remove
10728	plum	<i>Prunus avium</i>	14	16	fair	fair	multiple leaders with included bark, extensive epicormic growth	remove
10729	orchard apple	<i>Malus domestica</i>	10,8,6	12	fair	poor	multiple leaders at ground level, multiple dead and failed branches, epicormic growth	retain
10730	orchard apple	<i>Malus domestica</i>	8	12	fair	fair	multiple leaders at lower trunk, 10730 and 10731 are connected	retain
10731	orchard apple	<i>Malus domestica</i>	10	12	fair	fair	multiple leaders at lower trunk, 10730 and 10731 are connected	retain
10732	sweet cherry	<i>Prunus avium</i>	18	16	fair	poor	multiple dead and failed leaders	retain
10733	plum	<i>Prunus sp.</i>	10	10	poor	poor	significant branch failures and epicormic growth	remove
10734	sweet cherry	<i>Prunus avium</i>	8	10	fair	poor	significant past branch failures, 10734 through 10736 are connected	remove
10735	sweet cherry	<i>Prunus avium</i>	11	10	fair	poor	significant past branch failures, 10734 through 10736 are connected	remove
10736	sweet cherry	<i>Prunus avium</i>	14	10	fair	poor	significant past branch failures, 10734 through 10736 are connected	remove
10737	orchard pear	<i>Pyrus sp.</i>	14	14	good	fair	past branch failures	retain
10738	orchard pear	<i>Pyrus sp.</i>	11	8	good	fair	multiple leaders at 4' with included bark	retain
10739	sweet cherry	<i>Prunus avium</i>	10,8	16	good	fair	codominant at 1'	retain
10740	sweet cherry	<i>Prunus avium</i>	17	15	poor	poor	extensive dieback, 10740 through 10743 are connected	retain

Attachment 2

Tree No.	Common Name	Scientific Name	DBH ¹	C-Rad ²	Condition ³	Structure	Comments	Treatment
10741	sweet cherry	<i>Prunus avium</i>	14	15	poor	poor	extensive dieback, 10740 through 10743 are connected	retain
10742	sweet cherry	<i>Prunus avium</i>	11	15	poor	poor	extensive dieback, 10740 through 10743 are connected	retain
10743	sweet cherry	<i>Prunus avium</i>	11	15	poor	poor	extensive dieback, 10740 through 10743 are connected	retain
10745	Oregon white oak	<i>Quercus garryana</i>	14	10	good	fair	multiple leaders at 6' with included bark, growing under high voltage power lines	remove
10746	black walnut	<i>Juglans nigra</i>	8x7	15	good	poor	stump sprout	remove
¹ DBH is the trunk diameter in inches measured per City of Salem standards.								
² C-Rad is the approximate crown radius in feet.								
³ Condition and Structure ratings range from very poor, poor, fair, to good.								

Attachment 3

Tree Protection Recommendations

The following recommendations will help to ensure that the trees to be retained are adequately protected:

Before Construction Begins

1. Notify all contractors of the tree protection procedures. For successful tree protection on a construction site, all contractors must know and understand the goals of tree protection.
 - a. Hold a tree protection meeting with all contractors to explain goals of tree protection.
 - b. Have all contractors sign memoranda of understanding regarding the goals of tree protection. The memoranda should include a penalty for violating the tree protection plan. The penalty should equal the appraised value of the tree(s) within the violated tree protection zone per the current Trunk Formula Method as outlined in the current edition of the *Guide for Plant Appraisal* plus any resulting fines by government agencies.
 - c. The penalty should be paid to the owner of the property.
2. Fencing
 - a. Establish fencing around each tree or group of trees to be retained.
 - b. The fencing should be put in place before the ground is cleared to protect the trees and the soil around the trees from disturbances.
 - c. Fencing should be established by the project arborist based on the needs of the trees to be protected and to facilitate construction.
 - d. Fencing should consist of 4-foot high steel fencing on anchored stands or 4-foot metal fencing secured to the ground with 6-foot metal posts to prevent it from being moved by contractors, sagging, or falling down.
 - e. Fencing should remain in the position that is established by the project arborist and not be moved without approval from the project arborist until final project approval.
3. Signage
 - a. All tree protection fencing should provided signage so that all contractors understand the purpose of the fencing.
 - b. Signage should be placed on every other fence panel.

During Construction

1. Protection Guidelines Within the Tree Protection Zones
 - a. No traffic should be allowed within the tree protection zones. This includes but is not limited to vehicle, heavy equipment, or even repeated foot traffic.
 - b. No storage of materials including but not limiting to soil, construction material, or waste from the site should be permitted within the tree protection zones. Waste includes but is not limited to concrete wash out, gasoline, diesel, paint, cleaner, thinners, etc.
 - c. Construction trailers should not to be parked/placed within the tree protection zones.
 - d. No vehicles should be allowed to park within the tree protection zones.
 - e. No activity should be allowed that will cause soil compaction within the tree protection zones.
2. The trees should be protected from any cutting, skinning or breaking of branches, trunks or woody roots.
3. The project arborist should be notified prior to the cutting of woody roots from trees that are to be retained to evaluate and oversee the proper cutting of roots with sharp cutting tools. Cut roots should be immediately covered with soil or mulch to prevent them from drying out.
4. No grade changes should be allowed within the tree protection zones.
5. Trees that have woody roots cut should be provided supplemental water during the summer months.
6. Any necessary passage of utilities through the tree protection zones should be by means of tunneling under woody roots by hand digging or boring with oversight by the project arborist.
7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

After Construction

1. Carefully landscape the areas within the tree protection zones. Do not allow trenching for irrigation or other utilities within the tree protection zones.
2. Carefully plant new plants within the tree protection zones. Avoid cutting the woody roots of trees that are retained.
3. Do not install permanent irrigation within the tree protection zones unless it is drip irrigation to support a specific planting or the irrigation is approved by the project arborist.
4. Provide adequate drainage within the tree protection zones and do not alter soil hydrology significantly from existing conditions for the trees to be retained.
5. Provide for the ongoing inspection and treatment of insect and disease populations that can damage the retained trees and plants.
6. The retained trees may need to be fertilized if recommended by the project arborist.
7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

Attachment 4

Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. The site plans and construction information provided by Pacific Northwest Land Company and their consultants was the basis of the information provided in this report.
2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
4. Loss or alteration of any part of this delivered report invalidates the entire report.
5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
6. The consultant's role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
7. The purpose of this report was to assess the remaining surveyed trees on the site plan in Attachment 1, document their preservation and removal, and evaluate their proposed protection.